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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,924	07/07/2003	Ming-Chih Tsai	BHT-3111-338	6934

7590 03/22/2005

BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,924

Applicant(s)

TSAI ET AL.

Examiner

Vicky A. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on August 7, 2002. It is noted, however, that applicant has not filed a certified copy of the 91210311 application as required by 35 U.S.C. 119(b).

Claim Objections

2. Claims 1, 2, and 4 is objected to because of the following informalities: In claims 1 and 4 "drivenable" should be --driveable--; there is a miscellaneous "2" in line 12 of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4 it is unclear what is meant by "in such a manner". This phrase makes it unclear as to whether there is a specific way the derailleur should be positioned.

In claims 3 and 6, it is unclear what is meant by "difference constructing parts".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima (US 5,624,336).

Kojima discloses a front derailleur for a bicycle, said bicycle comprising a chain, a chainwheel, a control cable and a seat tube, said front derailleur comprising: a frame bracket (1) having a pair of lugs (1c) disposed at a side thereof close to the chainwheel for connecting with the seat tube (10); a chain guide (5) comprising a guide plate overstriding said chain and a pivot joint (4d) formed at an opposite side of said guide plate; a linkage rod (3) having one of its ends pivotally connected to said lug (1c), and the other end thereof pivotally connected to said pivot joint (4d); and an actuating arm (2) pivotally connected to said frame bracket using a shaft (14) installed with a spring (6), wherein one end of the actuating arm is pivotally connecting (18) to said pivot joint (4d) of said chain guide, a spring (6) having one end thereof connected to said lug where connecting with said linkage rod (see Fig 4), and a cable connector (7) is installed on the other end thereof for connecting to the control cable (8); wherein, the chain guide is driveable by the control cable for operating between at least a highest speed mode and a lowest speed mode (col. 3 lines 29-37); wherein, said frame bracket, chain guide, linkage rod and actuating arm are so positioned in such a manner that, while said chain guide of the front derailleur is operating in the highest speed mode, said linkage rod is at a position substantially parallel (very broad) to said seat tube, so that a restoring force provided by said return spring is equal to an active

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component force for actually shifting said chain, that is, the restoring force can be utilized fully for down-shifting (see Fig 4).

Re claims 2 and 4, said actuating arm is pivotally connected to said frame bracket through two shaft holes, which are located respectively at one side of said lug of said frame bracket and at a middle section of said actuating arm (see Fig 4), using said shaft (14), furthermore, said actuating arm further comprises a pivot joint plate (top of 2) formed at one end of said actuating arm for pivotally connecting to said pivot joint of said chain guide (see Fig 2), and said cable connector installed on the other end thereof which is composed of cover plate and screw for connecting to said control cable (well known).

Re claims 3 and 6 as best understood, when said linkage rod is not exactly parallel to said seat tube, but with a $\pm 10^\circ$ difference caused by the use of difference constructing parts, and the restoring force of the return spring can still be utilized fully during down-shifting in high speed mode (see Fig 4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,695,729	Ozaki	(linkage rod 31)
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4,330,137	Nagano	(linkage rod 12)
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668 or (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vicky A. Johnson 3/24/05
Examiner
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